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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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10 11 JACOB CURTIS ALLEN HELM,

Case No.: 1:22-cv-00423 JLT SKO (PC)

12 Plaintiff,

**ORDER DENYING PLAINTIFF'S MOTION  
TO AMEND COMPLAINT WITHOUT  
PREJUDICE**

13 v.

14 MADERA COUNTY, et al.,

(Doc. 11)

15 Defendants.

16  
17 Plaintiff Jacob Curtis Allen Helm, proceeding *pro se* and *in forma pauperis*, initiated this  
18 civil rights action pursuant to 42 U.S.C. § 1983 as a county jail inmate. Plaintiff is presently  
19 confined at Atascadero State Hospital.

20 On June 23, 2022, Plaintiff filed a document titled “Motion: Request Amending [sic]  
21 defendants.” (Doc. 11.) Plaintiff seeks to amend the named defendants in the complaint “from  
22 ‘Madera County, et al.,’ to simply ‘Madera County, California.’” (*Id.* at 1.) Plaintiff makes the  
23 request because he feels it “is in the best interests of the Courts for a swift, just, and inexpensive  
24 determination in this case” and “to ease the burden of the Courts.” (*Id.*) Plaintiff states he  
25 understands his request “will be the simplest and most effective approach for service of  
26 summons.” (*Id.* at 2.)

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1                   **I.        DISCUSSION**

2                   Plaintiff's original complaint, filed on April 12, 2022, names the following Defendants:  
3                   " Madera County California," "The State of California," and "Madera County Jail/Department of  
4                   Corrections." (Doc. 1 at 1, 2.) The complaint has not yet been screened. *See* 28 U.S.C. §  
5                   1915A(a).

6                   Plaintiff appears to be requesting to amend his complaint to name only a single  
7                   defendant—Madera County, California—to expedite service of process of his complaint.  
8                   Plaintiff is entitled to file an amended complaint pursuant to Federal Rule of Civil Procedure  
9                   15(a)(1) once as a matter of course, and without the necessity of a court order. Should Plaintiff  
10                  elect to amend his complaint, he must submit an amended complaint for filing. Plaintiff is  
11                  informed that an amended complaint supersedes the original complaint. *Lacey v. Maricopa Cty.*,  
12                  693 F.3d 896, 927 (9th Cir. 2012). Thus, an amended complaint must be "complete in itself  
13                  without reference to the prior or superseded pleading." *See* Local Rule 220. However, Plaintiff is  
14                  cautioned that the amendment he appears to seek will not result in immediate service of process  
15                  of the complaint in this action.

16                  As Plaintiff was advised in the First Informational Order In Prisoner/Civil Detainee Civil  
17                  Rights Case, issued April 12, 2022, this Court "is required to screen complaints brought by  
18                  prisoners seeking relief against a government entity or officer or employee of a governmental  
19                  entity." (Doc. 3 at 3 [III. SCREENING OF COMPLAINTS].) Until the Court has screened the  
20                  complaint and determined Plaintiff has stated a cognizable claim or claims against properly  
21                  named defendants, service of process will not be ordered. (*Id.*)

22                  As noted above, Plaintiff's complaint has not yet been screened. The Court is *required* to  
23                  screen Plaintiff's complaint pursuant to 28 U.S.C. § 1915A(a). The Court will direct service of  
24                  process only after Plaintiff's complaint has been screened and found to state cognizable claims  
25                  for relief. Once the complaint is screened and found to have stated a cognizable claim against any  
26                  defendant, the Court will provide Plaintiff with any further instructions regarding service of  
27                  process—Plaintiff need not request service.

28                  Plaintiff is advised this Court is one of the busiest district courts in the nation. There are

1 hundreds of *pro se* prisoner complaints awaiting screening by the Court and delays are inevitable.

2 Plaintiff's complaint will be screened in due course.

3 **II. CONCLUSION AND ORDER**

4 For the reasons given above, Plaintiff's motion filed June 23, 2022 (Doc 11) is DENIED  
5 without prejudice.

6 IT IS SO ORDERED.

7 Dated: July 28, 2022

/s/ Sheila K. Oberto

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9 UNITED STATES MAGISTRATE JUDGE

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